

County of Santa Clara
Department of Environmental Health
Consumer Protection Division

1555 Berger Drive, Suite 300, San Jose, CA 95112-2716
 Phone (408) 918-3400 www.ehinfo.org



OFFICIAL INSPECTION REPORT

Facility FA0201175 - BLACK BEAR DINER		Site Address 395 LEAVESLEY RD, GILROY, CA 95020	Inspection Date 07/22/2024
Program PR0303453 - FOOD PREP / FOOD SVC OP 26+ EMPLOYEES RC 3 - FP17		Owner Name SAMMUT, GEORGE	Inspection Time 14:55 - 15:50
Inspected By HELEN DINH	Inspection Type LIMITED INSPECTION	Consent By ALONDRA & MARLENE & GEORGE (O-PHONE)	

Placard Color & Score RED N/A
--

Comments and Observations

Major Violations

K23 - 8 Points - Observed rodents, insects, birds, or animals; 114259.1, 114259.4, 114259.5

Inspector Observations: Major: Found several LIVE cockroaches in the following areas: at cooks line where open pipes observed and shelving/wall adjacent to dish machine. Operator was able to eliminate one LIVE cockroach at cooks line. [CA] Eliminate all evidence of LIVE cockroaches. Clean and sanitize all effected areas.

Minor: Found DEAD cockroches in the following areas: at cooks line, dish machine area and warewash area. [CA] Eliminate all evidence of DEAD cockroach. Clean and sanitize all effected areas and continue to provide approved pest control services.

Follow-up By 07/25/2024

Minor Violations

K45 - 2 Points - Floor, walls, ceilings: not built, not maintained, not clean; 114143(d), 114266, 114268, 114268.1, 114271, 114272

Inspector Observations: 1. Found damaged coved base wall under shelf adjacent to dish machine. [CA] Replace broken floor tiles with a smooth and of durable construction and nonabsorbent material that is easily cleanable. 2. Found several holes/gaps/crevices in ceiling, around pipelines, shelving and walls throughout food facility. [CA] Seal all holes, gaps and crevices to prevent entrance and harborage of vermin.

Performance-Based Inspection Questions

N/A

Measured Observations

<u>Item</u>	<u>Location</u>	<u>Measurement</u>	<u>Comments</u>
warm water	handsink (front prep)	100.00 Fahrenheit	

Overall Comments:

Inspection conducted in conjunction to CO0154972.

****Facility is hereby closed due to LIVE cockroaches infestation. Once the violation warranting the closure has been corrected, contact environmental health specialist Helen Dinh at 408/918-2920 or the main office at 408/918-3400 for a follow up inspection.****

*****Facility shall cease and desist all sales.*****

A follow up inspection shall be conducted.

*****Subsequent follow up inspection after first follow up shall be billed \$298/hr during business hours and \$645/hrs (minimum of 2 hours) during nonbusiness hours upon availability.*****

Consulted with Jessica Zertuche.

OFFICIAL INSPECTION REPORT

Facility FA0201175 - BLACK BEAR DINER	Site Address 395 LEAVESLEY RD, GILROY, CA 95020	Inspection Date 07/22/2024
Program PR0303453 - FOOD PREP / FOOD SVC OP 26+ EMPLOYEES RC 3 - FP17	Owner Name SAMMUT, GEORGE	Inspection Time 14:55 - 15:50

CLOSURE / PERMIT SUSPENSION NOTICE

When required to determine compliance, a single reinspection will be conducted without additional charge. If subsequent reinspections are required, an hourly fee (minimum one hour) at the current rate approved by the Board of Supervisors will be assessed for each and every reinspection until the necessary changes or corrections are made. Unless otherwise noted by the inspector, all violations are to be corrected no later than **8/5/2024**. Any major change in menu or any change in ownership must have prior approval by this Department. This may require structural and/or equipment changes or remodeling to accommodate new operations.

This notice is to inform you that as of this date the Environmental Health Permit for the above mentioned food facility is hereby suspended and all operations therewith are ordered to cease. This action is taken in accordance with Section 114409 of the California Health and Safety Code which states 'If any imminent health hazard is found, unless the hazard is immediately corrected, an enforcement officer may temporarily suspend the permit and order the food facility or cottage food operation immediately closed.'

You have the right to make a written request for a hearing within 15 days after receipt of this notice to show just cause why the permit suspension is not warranted. Failure to request such a hearing within the 15-day period shall be deemed a waiver of the right to a hearing. After these violations have been corrected, you must call the Department of Environmental Health for a reinspection to reinstate the permit to operate. Phone #: (408)918-3400.

Legend:

[CA]	Corrective Action
[COS]	Corrected on Site
[N]	Needs Improvement
[NA]	Not Applicable
[NO]	Not Observed
[PBI]	Performance-based Inspection
[PHF]	Potentially Hazardous Food
[PIC]	Person in Charge
[PPM]	Part per Million
[S]	Satisfactory
[SA]	Suitable Alternative
[TPHC]	Time as a Public Health Control



Received By: Marlene Ayala
General Manager

Signed On: July 22, 2024